IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27677 of 2007(T)

PETITIONER:

K.K.MEETHIYAN, S/O. KOCHAHAMMED,
DRIVER, DISTRICT KHADI AND VILLAGE INDUSTRIES OFFICE, THODUPUZHA, THE KERALA KHADI AND VILLAGE INDUSTRIES BOARD, THODUPUZHA P.O., IDUKKI DIST.
(KAPPAPARAMBIL HOUSE, SOUTH VAZHAKKULAM P.O., ALUVA).

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:

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1. THE KERALA KHADI AND VILLAGE INDUSTRIES BOARD, REP. BY ITS SECRETARY, VANCHIYOOR, THIRUVANANTHAPURAM.

2. THE SECRETARY,
KERALA KHADI AND VILLAGE INDUSTRIES BOARD, VANCHIYOOR, THIRUVANANTHAPURAM.

3. THE PROJECT OFFICER,
IDUKKI DISTRICT, KERALA KHADI AND VILLAGE INDUSTRIES BOARD, THODUPUZHA P.O., IDUKKI DISTRICT.

BY ADV. SRI. K.P. HARIDAS, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO. 27677 of 2007

Dated this the 18th day of September, 2007

JUDGMENT

The petitioner, a driver under the service of the 1st respondent, was suspended under Ext.P1 order. In relation to Ext.P2 memo of charges accompanied by Ext.P3 statement of allegations, he submitted Ext.P4 explanation on 28.06.2005. An order of punishment imposed under Ext.P7 was found to be in violation of the principles of natural justice. In Ext.P8 judgment, the same was set aside. Liberty was granted to the respondent to pass fresh orders after hearing the petitioner. Paragraph 5 of the Ext.P8 judgment reads as follows:

> "The 1st respondent is free to pass fresh orders finalising the disciplinary proceedings against the petitioner. But that shall be done only after proper application of mind, advertance to Ext.P3 and taking into consideration the contentions raised therein. The merit of those contentions should be discussed in the order and the opinion of the 1st respondent shall be duly expressed before coming to the conclusion. After passing orders as directed above, the petitioner shall be issued notice informing the manner in which the period of suspension would be proposed to be regularised and after considering the explanation of the petitioner, appropriate decision shall be taken in that behalf."

2. The complaint of the petitioner is that though Ext.P8 judgment is dated 28.08.2006, fresh orders are yet to be passed by the Board. He moved the 2nd respondent vide Exts.P9 and P10. The petitioner has actually been heard in person on 13.06.2007 as evidenced by Exts.P11 and P12. Nevertheless orders are yet to be passed, finalising the disciplinary proceedings against the petitioner. Leaned counsel for the petitioner, Mr. C.K. Abdul Rehim contends that even an application for casual leave submitted by the petitioner has not been processed on account of the fact that the disciplinary proceedings is yet to be finalised.

3. I have heard learned Standing Counsel for the respondent, Mr. Harish as well.

4. In the circumstances, the writ petition is disposed of directing the 2nd respondent to pass final orders as regards the disciplinary proceedings initiated against the petitioner vide Ext.P2 memo of charges as expeditiously as possible within a period of one month from the date of receipt of a copy of this judgment. I take note of the statement made by Mr. Harish that final orders will be passed in that regard within a period of three weeks from today

V.GIRI, JUDGE

rv/